

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**MARK BRUGGE**

**Plaintiff,**

**vs.**

**U.S. DEPARTMENT OF DEFENSE,  
U.S. DEPARTMENT OF STATE**

**Defendants.**

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**Civil Action No. 4:24-cv-00344**

**COMPLAINT**

Plaintiff, Mark Brugge, brings this cause of action against the U.S. Department of Defense (“DOD”) and U.S. Department of State (“State Department”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Venue is proper in this district because Plaintiff is domiciled in Fairview, Collin County, Texas.

**PARTIES**

2. Plaintiff is a resident of Collin County, Texas.

3. Defendant Department of Defense is an agency of the United States Government within the meaning of 5 U.S.C. § 552(f)(1) that possesses the records Plaintiff seeks. DOD is located at 1000 Defense Pentagon, Washington, DC 20301-1999.

4. Defendant Department of State is an agency of the United States Government within the meaning of 5 U.S.C. § 552(f)(1) that possesses the records Plaintiff seeks. The State Department is headquartered at 2201 C St., NW, Washington, DC 20520.

## **FACTUAL BACKGROUND**

### **A. The DOD FOIA Requests**

5. On March 11, 2024, Plaintiff submitted a FOIA request to the DOD, seeking the following:

- a. All e-mail correspondence to/from Lloyd Austin containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
- b. All e-mail correspondence to/from Dr. Kathleen Hicks containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
- c. All e-mail correspondence to/from John Kirby containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
- d. All e-mail correspondence to/from Mark Milley containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
- e. All e-mail correspondence to/from Dr. Radha Iyengar Plumb containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
- f. All e-mail correspondence to/from Rebecca Zimmerman containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

g. All e-mail correspondence to/from Peter Vasely containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

6. The DOD has not yet provided documents responsive to this request.

#### **B. The State Department FOIA Requests**

7. On March 11, 2024, Plaintiff submitted a FOIA request to the State Department, seeking the following:

a. All e-mail correspondence to/from Anthony Blinken containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

b. All e-mail correspondence to/from Wendy Sherman containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

c. All e-mail correspondence to/from Zalmay Khalilzad containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

d. All e-mail correspondence to/from Mark Stroh containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

e. All e-mail correspondence to/from Bonnie Denise Jenkins containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.

- f. All e-mail correspondence to/from C.S. Eliot Kang containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
  - g. All e-mail correspondence to/from Robert J. Faucher containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
  - h. All e-mail correspondence to/from John T. Godfrey containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
  - i. All e-mail correspondence to/from Lisa Peterson containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
  - j. All e-mail correspondence to/from Scott Weinhold containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
  - k. All e-mail correspondence to/from Ross Wilson containing any of the terms “Abbey Gate” or “Kabul” or “Hamid Karzai” or “suicide” or “airport” or “Logari” from August 1, 2021 through November 30, 2021.
8. The State Department has not yet provided documents responsive to this request.

**COUNT 1**

**(Defendants’ Violations of FOIA, 5 U.S.C § 552)**

- 9. Plaintiff incorporates the above paragraphs as though fully set forth herein.
- 10. Defendants are agencies subject to the production requirements of FOIA.

11. Defendants have violated FOIA by failing to produce the records requested by Plaintiff.

12. Plaintiff is being irreparably harmed by Defendants' FOIA violations, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to comply with FOIA.

**RELIEF REQUESTED**

13. For these reasons, Plaintiff respectfully requests this Court:

- A. Order Defendants to search for any and all records responsive to Plaintiff's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests;
- B. Order Defendants to produce all records responsive to Plaintiff's FOIA requests and a *Vaughn* index of any responsive records withheld under claim of exemption;
- C. Enjoin Defendants from withholding non-exempt records that are responsive to Plaintiff's FOIA requests;
- D. Grant Plaintiff an award of costs and attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- E. Grant Plaintiff such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Travis Miller  
Travis Miller  
Texas Bar No. 24072952  
Defending the Republic

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